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Attorneys for Plaintiffs ALLY BANK, WESLEY W.
HALIHAN and GINA HALIHAN

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ALLY BANK, WESLEY W. HALIHAN
and GINA HALIHAN,

Plaintiffs,

vs.

WELLS FARGO BANK, N.A., and
DOES 1 through 10,

Defendants.

No. C-11-00896 SC

**STIPULATION AND [PROPOSED]
ORDER FOR LEAVE TO FILE FIRST
AMENDED COMPLAINT**

STIPULATION

On August 4, 2011 the parties entered into a stipulation allowing Plaintiffs ALLY BANK, WESLEY W. HALIHAN, and GINA HALIHAN ("Plaintiffs") leave to file a first amended complaint to add new plaintiffs and defendants and additional causes of action against the newly named defendants. The new allegations assert that the new defendants engaged in a common scheme to defraud dozens of sellers and buyers of real property and some of their agents and lenders out of over \$1.7 million through phantom sales, sham loans and the execution of fraudulent reconveyances of deeds of trust. On August 8, 2011, the Court approved the stipulation and granted Plaintiffs leave to file a first amended complaint.

Since entering into the first stipulation, Plaintiffs discovered additional defendants and

1 facts supporting their claims that they wanted to add to the first amended complaint. Rather than
2 file the first amended complaint and then seek leave to file a second amended complaint, the
3 parties agreed that it would be more efficient for Plaintiffs simply to revise the first amended
4 complaint and seek leave to file that pleading.

5 Based on the foregoing, IT IS HEREBY STIPULATED, by and between the parties
6 hereto, and the parties respectfully request that Plaintiffs be granted leave to file a "new" first
7 amended complaint, a copy of which is attached as Exhibit "A."

8
9 Dated: August 19, 2011

**SHAPIRO BUCHMAN PROVINE BROTHERS
SMITH LLP**

11
12 /s/ Stephen C. Seto

STEPHEN C. SETO

13 Attorneys for Plaintiffs ALLY BANK, WESLEY W.
HALIHAN and GINA HALIHAN

14
15 Dated: August 19, 2011

**ANGLIN, FLEWELLING, RASMUSSEN,
CAMPBELL & TRYTTEN LLP**

17 /s/ Matthew J. Pero

MATTHEW J. PERO

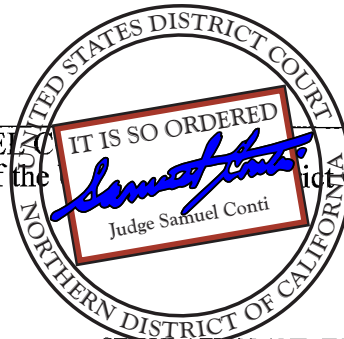
18 Attorneys for Defendant, Wells Fargo Bank, N.A.

19
20 **ORDER**

21 PURSUANT TO THE FOREGOING STIPULATION, IT IS SO ORDERED that
22 Plaintiffs ALLY BANK, WESLEY W. HALIHAN, and GINA HALIHAN ("Plaintiffs") are
23 hereby granted leave to file the within proposed first amended complaint.

24
25 Dated: August 30, 2011

26 SAMUEL CONTI
Judge of the



27 District Court